



1 **thirty (30) days** following service of a reply to file and serve a response to the reply.

2 3. **Briefing of Motion to Dismiss.** If respondents file a motion to dismiss, petitioner  
3 shall have **thirty (30) days** following service of the motion to file and serve an opposition to the  
4 motion. Respondents shall thereafter have **thirty (30) days** following service of the opposition to  
5 the motion to file and serve a reply.

6 4. **Evidentiary Hearing.** If petitioner wishes to request an evidentiary hearing,  
7 petitioner shall file and serve a motion for an evidentiary hearing concurrently with, but separate  
8 from, his reply to respondents' answer or his opposition to respondents' motion to dismiss. The  
9 motion for an evidentiary hearing must specifically address why an evidentiary hearing is required,  
10 and must meet the applicable requirements of 28 U.S.C. § 2254(e). The motion must identify  
11 whether an evidentiary hearing was held in state court, and, if so, state where the transcript is located  
12 in the record. If petitioner files a motion for an evidentiary hearing, respondents shall file and serve  
13 a response to that motion concurrently with, but separate from, their response to petitioner's reply or  
14 their reply in support of a motion to dismiss. Petitioner shall thereafter have **twenty (20) days**,  
15 following service of respondents' response to the motion for an evidentiary hearing, to file and serve  
16 a reply in support of that motion.

17 DATED this 18th day of November, 2010.

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LARRY R. HICKS  
UNITED STATES DISTRICT JUDGE  
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